

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

SERGIO HERNANDEZ,

Case No. 3:19-cv-00318-MMD-CBC

Plaintiff,

## ORDER

v.

MARC ALLAN, *et al.*,

## Defendants.

## I. DISCUSSION

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who has been released from the custody of the Nevada Department of Corrections. Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within **thirty (30) days** from the date of this order or pay the full filing fee of \$400. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved.

## **II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
*in forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the full filing fee of \$400.

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

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1 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint  
2 (ECF No. 1-1) but shall not file it at this time.  
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4 DATED: October 29, 2019.  
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7 UNITED STATES MAGISTRATE JUDGE  
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